

**REMARKS**

Re-examination and reconsideration of the subject matter identified in caption, pursuant to and consistent with 37 C.F.R. §1.112, and in light of the remarks which follow, are respectfully requested.

Claims 1-9 remain pending in this application. Claims 8 and 9 stand withdrawn from consideration and have not been given an action on the merits.

Claims 1-7 have been rejected under 35 U.S.C. §103(a) as unpatentable over JP 11-158305 in view of newly cited U.S. Patent No. 4,794,128 to Kawaguchi et al for the reasons advanced in paragraph (4) of the Office Action. Reconsideration and withdrawal of this rejection is respectfully requested for at least the following reasons.

As acknowledged in the Office Action, JP '305 does not disclose or suggest the addition of a liquid ethylene- $\alpha$ -olefin oligomer to the compositions disclosed therein. The Examiner relies on Kawaguchi et al '128 as allegedly disclosing the addition of a liquid ethylene- $\alpha$ -olefin copolymer (LUCANT 600) to a polyolefin composition to be molded into a porous film. According to the Office Action, those of ordinary skill would be motivated to add the liquid oligomer disclosed in Kawaguchi et al '128 to the compositions of JP '305 in order to "influence the dispersibility of the inorganic filler, stretchability and softness of the film."

The present invention provides a porous film molded from a composition containing 25 to 55% by weight of a polyolefinic resin and 75 to 45% by weight of an inorganic filler, in which the polyolefinic resin comprises 98 to 70% by weight of a linear low density polyethylene and 2 to 30% by weight of a branched low density polyethylene. The

composition further contains 0.5 to 5 parts by weight of a liquid ethylene- $\alpha$ -olefin oligomer based on 100 parts by weight of the composition (claim 1). The obtained porous film according to the invention has excellent moisture permeability, flexibility and exudation resistance (page 6, lines 9-11). In addition, the porous film is excellent in uniformity of thickness.

The object in the invention of Kawaguchi et al '128 is to improve longitudinal tear strength of a porous film by adding a particular polyester as a third component while "retaining flexible hand feeling and good moisture permeable anti-leakage" (column 1, line 65 to column 2, line 2). The porous film contains 5 to 50 parts by weight of the polyester as a third component based on 100 parts by weight of the polyolefin film. Therefore, a relatively large amount of the third component is used.

In Reference Example 4 (column 5), 30 parts by weight of LUCANT 600 (ethylene- $\alpha$ -olefin oligomer) based on 100 parts by weight of polyolefin resin was used as a third component. The obtained porous film had longitudinal tear strength of 62 g/ $\mu$  thickness and moisture permeability of 0.53 g/100cm<sup>2</sup>Hr. Although longitudinal tear strength of the obtained porous film was improved, moisture permeability was poor.

Initially, it is pointed out that Reference Example 4 is a comparative example designed to show that substituting a hydrocarbon component, i.e., ethylene- $\alpha$ -copolymer oligomer, for a polyester, results in porous film having unacceptable moisture permeability. Note the statement in column 6, lines 18-21 of Kawaguchi et al '128.

Moreover, the amount of oligomer used in Reference Example 4 is 30 parts by weight per 100 parts by weight of polyolefin. This amount represents a significant portion of the composition.

Accordingly, Kawaguchi et al '128 teaches those skilled in the art that LUCANT 600 is not a substitute for polyesters and that using the liquid oligomer will result in a porous polyolefin film having poor moisture permeability and unsuitable for use in diapers and related products. Applicants respectfully submit that the disclosure in Kawaguchi et al '128 would not motivate those of ordinary skill in the art to add liquid ethylene- $\alpha$ -olefin copolymer oligomers to the compositions of JP '305 nor would there be any reasonable expectation that the resultant porous film would have the properties desired of such films, particularly moisture permeability.

For at least the above reasons, the §103(a) rejection should be withdrawn. Such action is earnestly requested.

Claims 1-3 have been provisionally rejected on the ground of obviousness-type double patenting as unpatentable over claims 1-7 of copending application, Serial No. 09/772,854 for reasons set forth in paragraph (6) of the Office Action. Withdrawal of this rejection is requested in view of the following.

Applicants disagree with this rejection for reasons of record. However, to expedite prosecution, Applicants are submitting herewith a Terminal Disclaimer. Accordingly, this rejection has been obviated.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: May 21, 2003

By: George F. Lesmes  
George F. Lesmes  
Registration No. 19,995

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620